Delas

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY.

Petitioner

٧.

CIVIL NO. 1:CV-00-2186

KATHLEEN ZWIERZYNA, ET AL.,

(Judge Kane)

Respondents

HARRISBURG, PA

ORDER

JAN 03 2001

IARY E. D'ANDREA, CLERK

Background

This is a petition for a writ of habeas corpus filed under 28 U.S.C. § 2254. The financial affidavit accompanying the prisoner's motion to proceed in forma pauperis indicates that he may not be required to pay the full statutory filing fee of \$5.00. Therefore, temporary approval to proceed in forma pauperis will be granted so the court may request from the warden or other appropriate official a summary of the transactions in the petitioner's account for the six (6) months preceding the filing of this petition.

The court may condition entitlement to proceed in forma pauperis upon payment of a partial filing fee after consideration of the income received within the six (6) month period preceding submission of the petition, the present balance in the prisoner's account, the average monthly balance in the prisoner's account and other factors as may be brought to the court's attention. Jones v. Zimmerman, 752 F.2d 76, 78-79 (3d Cir. 1985); Bullock v. Suomela, 710 F.2d 102, 103 (3d Cir. 1983). The partial filing fee to be submitted shall not in any circumstances exceed 15% of the income received by the prisoner within the

preceding six (6) months. <u>See Evans v. Croom</u>, 650 F.2d 521, 522, 525 (4th Cir. 1982, cert. denied, 454 U.S. 1153 (1982).

The warden or other appropriate official will be directed to provide this court with a record of the transactions, inflow and outflow of funds through the prisoner's account, which occurred within the preceding six (6) month period and advise the court of the present balance in the prisoner's account. The court shall be advised whether the prisoner has institutional employment and, if so, his average monthly income from the job.

If the records are at another institution or if the records are for some reason unavailable, this court should be so informed.

NOW, THEREFORE, THIS DAY OF JANUARY 2001, IT IS ORDERED THAT:

- 1. The petitioner is granted temporary leave to proceed in forma pauperis, pursuant to Title 28 of the United States Code, § 1915(a).
- 2. Within ten (10) days of the date of this order, the warden or other appropriate official shall complete the attached affidavit form and provide the requested information to the court.
- 3. Pursuant to <u>Jones v. Zimmerman</u>, 752 F.2d 76 (3d Cir. 1985), the warden shall simultaneously provide a copy of the completed affidavit to the petitioner.

Mittelande

Yvette Kane

United States District Judge

YK:mcs

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES IN	SELEY	
		1:CV-00-2186
- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	· · · · · · · · · · · · · · · · · · ·	: Civil Case No.
		1
Nat	me of Plaintiff(s)	Yvette Kane
	₩.	: Judge :
י זאיזוים דעויויא	ZWIERZYNA, ET AL	* Olymphon and Tuden to be
TATTITUM 2	awita iwa, iii au	: (Number and Judge to be assigned by court)
		•
		•
Naı	me of Defendant(s)	•
	APPLICATION TO P	ROCEED IN FORMA PAUPERIS
PLEASE 1	READ CAREFULLY AND FULLY CO	MPLETE EACH SECTION.
1	provisions of The Pris that pursuing my claim and deduction of sums	my claims in this action under the new on Litigation Reform Act, understanding requires payment of a partial filing f from my prison account when funds exist of \$150.00 has been paid in full.
2.	the Institution holding a certified copy of my	ecuted Authorization form which authorized me in custody to transmit to the Clerk trust account for the past six (6) ments from the account in the amounts \$1915(b).
a por dis	risoner as that term is def e actions or appeals in a c	of the complaint in this action and whi fined in 28 U.S.C. § 1915(h), brought 3 court of the United States that were lous, or for failure to state a claim up Yes No
(a)		are you now seeking relief because you of serious physical injury?
		•

								•				
	•										· · · · · · · · · · · · · · · · · · ·	- ,
	. •						e e					
			· .									
(a	1)		ou pres	_	_		•					_ No
(t)	If yes	s, what	is y	our mo	onthly	COMP	ensatio	on? \$	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	,
			any ca						bank	accou	nt;	or re
ЩС	nie.	A TEOM	any so	urce	ies	. ————	NO _					
If	ti	he ans	wer is	"yes"	to ar	ny of	the al	ove, d	lescri	be eac	h sou	ırce
Œ	ie a	amount	involv	ed.								•
	······································			 						 	·	,
								·				
		 .			<u> </u>							
		· <u></u>	, , , , , , , , , , , , , , , , , , , 		<u>.</u>	 			, , , , , , , , , , , , , , , , , , , 		- 1,	
			<u></u>			· · · · · · · · · · · · · · · · · · ·						
-												
-												
 	ifv	under	penalt	v of	periu	ry that	t the	forego	oing i	s true	and	
	ify	under	penalt	y of	perju	ry tha	t the	forego	oing i	s true	and	
					perju	ry that	t the	forego	oing i	s true	e and	
erti			penalt (Dat		perju	ry tha	t the			s true		corr
					perju	ry tha	t the			<u> </u>		corr

AUTHORIZATION

(Prisoner's Account Only)

NOTE: Completing this authorization form satisfies your obligation under 28 U.S.C. § 1915(a)(2) to submit a certified copy of your trust fund account.

		•	•		
I,		, reque	est and author	ize the agenc	y holding i
custody to	send to the Clerk of Court, United S	States District Co	ourt for the M	iddle District	of Pennsylv
a certifie	d copy of the statement for the pa	ast six months (of my trust f	und account	(or institut
equivalen	at) at the institution where I am incare	erated. I furthe	er request and	l authorize the	e agency ho
me in cus	stody to calculate and disburse funds	from my trust	account (or in	astitutional ec	luivalent) i
amounts	specified by 28 U.S.C § 1915(b).			·	·
TI	nis authorization is furnished in conne	ection with the f	lling of a civil	action, and I	understand
the filing	fee for the complaint is \$150.00. I	also understand	i that the enti	ire filing fee v	will be ded
from my	account regardless of the outcome of	my civil action.	This authoriz	zation shall ap	ply to any
agency in	to whose custody I may be transferre	ed.	٠.		
Date:	, 19	_	•		

Signature of Prisoner

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 3, 2001

Re: 1:00-cv-02186 Iseley v. Zwierzyna

True and correct copies of the attached were mailed by the clerk to the following:

Charles Iseley SCI-Coal AM-9320 1 Kelley Dr. Coal Township, PA 17866

for the second s	•		- 1 f.	•					
CC:			j.	÷.	1 1 1				
Judge	()			•	1 1				
Magistrate Judge	()				3 . s-	i i i	1 .		
U.S. Marshal	()	•			1 to 1 to		- 15		
Probation	()				17.5				
U.S. Attorney	()				1 1	i ja i			
Atty. for Deft.	()		~ 111				10e		
Defendant	().	i :	affer			, and			
Warden	1	W	afal			: 124			
Bureau of Prisons	()								
Ct Reporter	()			٠.,			5.		
Ctroom Deputy	()				V				
Orig-Security	()								
Federal Public Defender	()						. :		
Summons Issued	()	with	N/C att	ached t	to con	nolt. a	nd ser	rved b	v:
			Marsha]						1 -
Standard Order 93-5	()			, ,		1.			
Order to Show Cause	()	with	Petitio	n atta	ched 8	a maile	d cert	ified	mail
		to:							*****
			DA of (
Bankruptcy Court	()			4	` '			. ,	
Other [*]	()								
						MARY E	. D'AN	JDREA.	Clerk
								,	01011
	~)					Tax	1		
DATE: /-5	ノー				BY:	$\mathcal{O}(\mathcal{O})$	5		
			-			Deputy	r Clerk	-	-